

Order

Michigan Supreme Court
Lansing, Michigan

November 3, 2010

Marilyn Kelly,
Chief Justice

141206

Michael F. Cavanagh
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway
Alton Thomas Davis,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 141206
COA: 297366
Genesee CC: 09-025520-FC

DARRYL JAY LOFTON,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the April 27, 2010 order of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we VACATE the sentence of the Genesee Circuit Court and we REMAND this case to that court and DIRECT that court either to grant the defendant the opportunity to withdraw his plea or to resentence the defendant to two years on the charge of possession of a firearm during the commission of a felony, first offense, MCL 750.227b(1), for the reason that the defendant was misinformed at his plea hearing that he would serve a consecutive sentence of two years for his felony-firearm conviction, rather than the mandatory sentence of five years for felony-firearm, second offense. In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining questions should be reviewed by this Court.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

November 3, 2010

Corbin R. Davis

Clerk